



07-19-04

RCE/3726
IFW

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PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|------------------|
| Application Number | 09/821,570 |
| Filing Date | March 29, 2001 |
| First Named Inventor | Thomas C. Mesing |
| Art Unit | 3726 |
| Examiner Name | Compton, Eric B. |
| Attorney Docket Number | 13DV-14029 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply (18 pgs.)

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Express Mail Certificate, Return postcard

2. Miscellaneous

a. ☒ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of 1 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 01-2384

i. ☒ RCE fee required under 37 CFR 1.17(e) \$770.00

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

| | | | |
|-------------------|-----------------------|-----------------------------------|---------------|
| Name (Print/Type) | Robert B. Reeser, Jr. | Registration No. (Attorney/Agent) | 45,548 |
| Signature | | Date | July 16, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | |
|-------------------|--|
| Name (Print/Type) | |
| Signature | |
| Date | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/21/2004 AWONDAF1 00000034 012384 09821570

01 FC:1801 770.00 DA



PATENT
Attorney Docket No.: 13DV-14029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas C. Mesing, et al.
Serial No.: 09/821,570
Filed: March 29, 2001
For: VARIABLE VANE SEAL AND
WASHER MATERIALS

Group No.: 3726
Examiner: Compton, Eric B.

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
 - Amendment in Response to the Final Office Action dated March 22, 2004 (18 pgs.)
 - Amendment Transmittal (3 pgs., *in duplicate*)
 - Request for Continued Examination (RCE) Transmittal (1 pg., *in duplicate*)
 - Return post card

STATUS

2. Applicant
 - ☐ claims small entity status.
 - ☒ is other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

✓ deposited with the United States Postal Service
Express Mail, Post Office to Addressee, Label No. EV
459193338 US, addressed to: Mail Stop: RCE,
Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.
Date: July 16, 2004

FACSIMILE

transmitted by facsimile to the Patent and Trademark
Office


Robert B. Reeser, Reg. 45,548

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

| Extension for response within: | Other than small entity Fee | Small entity Fee (if applicable) |
|---|-----------------------------|----------------------------------|
| <input checked="" type="checkbox"/> First month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> Second month | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> Third month | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> Fourth month | \$1,440.00 | \$ 720.00 |
| <input type="checkbox"/> Fifth month | \$1,960.00 | \$ 980.00 |

Fee: \$ 110.00

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

— An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00.

OR

- (b) — Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA | SMALL ENTITY ADDITIONAL RATE FEE | OR | OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE |
|---|---|-------|---|------------------------------|--|----|--|
| TOTAL | | MINUS | | = | x \$9 = \$ | | x \$18 = \$ |
| INDEP. | | MINUS | | = | x \$42 = \$ | | x \$84 = \$ |
| — FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | + \$130 = \$ | | + \$280 = \$ |
| | | | | | TOTAL ADDITIONAL FEE \$ | OR | TOTAL ADDITIONAL FEE \$ |

(a) ☒ No additional fee for Claims is required

OR

(b) _____ Total additional fee for claims required \$

FEE PAYMENT

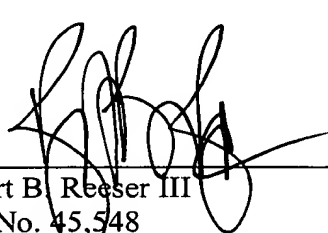
5. _____ Attached is a check in the sum of \$_____
- ☒ Charge Deposit Account No. 01-2384 the sum of \$110.00.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. _____ Other:


Robert B. Reeser III
Reg. No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314/621-5070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------------|---|----------------------------|
| Applicant: Thomas C. Mesing, et al. | : | |
| | : | Art Unit: 3726 |
| Serial No.: 09/821,570 | : | |
| | : | Examiner: Compton, Eric B. |
| Filed: March 29, 2001 | : | |
| | : | |
| For: VARIABLE VANE SEAL AND WASHER | : | |
| MATERIALS | : | |

AMENDMENT

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February March 22, 2004, and made final, and the Advisory Action dated May 28, 2004, Applicants respectfully request entry and consideration of the following amendment: